

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

AMERICAN HEALTH CAPITAL,

Plaintiff,

Civil Action No. 24-11452

v.

HON. MARK A. GOLDSMITH

NEXTCARE HOLDINGS, INC.,

Defendant.

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**ORDER DENYING MOTION TO DISMISS (Dkt. 11) WITHOUT PREJUDICE**

Defendant filed a motion to dismiss in the above-captioned action on August 20, 2024 (Dkt. 11). The motion raised an issue regarding, among other things, a purported insufficiency of the pleadings under Federal Rule of Civil Procedure 8 and Ashcroft v. Iqbal, 556 U.S. 662 (2009).

The Court issued an Order allowing Plaintiff to file an amended complaint in light of Defendant's motion. See 9/3/24 Order (Dkt. 14). Without expressing any view of the merits of the motion to dismiss, the Court stated that "[i]f Plaintiff timely files an amended complaint, the Court will deny without prejudice the currently pending motion to dismiss as moot." Id. at 2.

On September 10, 2024, Plaintiff timely filed an amended complaint (Dkt. 15). Accordingly, the Court denies without prejudice Defendant's motion to dismiss (Dkt. 11). Defendant shall file their response to the amended complaint on or before **October 3, 2024**. If Defendant files a motion in response to the amended complaint, the briefing schedule set forth in Local Rule 7.1(e) shall apply.

SO ORDERED.

Dated: September 16, 2024  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge